

Regular Session, 2010

HOUSE BILL NO. 481

BY REPRESENTATIVE ROY

TAX/AD VALOREM TAX: Authorizes sheriffs and ex officio tax collectors to employ an agency to assist in the collection of delinquent ad valorem taxes and obligations and provides for the payment of such services on a fee basis

1 AN ACT

2 To amend and reenact R.S. 33:1423.1(B) and (C), relative to collection of certain taxes and
3 other obligations by sheriffs and ex officio tax collectors; to authorize sheriffs and
4 ex officio tax collectors to employ certain parties to aid in the collection of certain
5 delinquent taxes and obligations; to provide for the payment of services on a fee
6 basis; to provide for the amount of the fee; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 33:1423.1(B) and (C) are hereby amended and reenacted to read as
9 follows:

10 §1423.1. Collection and disposition of bonds, fines, fees, licenses, taxes; acceptance
11 of credit card or electronic check payment; expenses of collection borne pro
12 rata by affected tax recipient bodies

13 * * *

14 B. In addition to any other authority provided by law, sheriffs and ex officio
15 tax collectors of the various parishes, including the chief administrative officer for
16 the city of New Orleans may employ private counsel or an agency to assist in the
17 collection of any due delinquent ad valorem taxes, any penalties or interest thereon,
18 and any other payment which may be legally collected by a sheriff or tax collector
19 or director of finance for the city of New Orleans.

1 C. The sheriff or ex officio tax collector or director of finance for the city of
 2 New Orleans ~~shall~~ may enter into a contract with such private attorney or agency
 3 which shall provide ~~the~~ for either a fee or an hourly rate of payment for services.
 4 The hourly rate shall not exceed the attorney general's fee schedule and the fee shall
 5 not exceed ten percent of the collected amount. If the payment for services is based
 6 on a fee, the amount of the fee shall be in addition to the amount of the fine, bond,
 7 tax, license fee, or other payment to be collected. The sheriff or ex officio tax
 8 collector or director of finance for the city of New Orleans shall obtain approval of
 9 the hourly rate to be paid the private attorney by the tax recipient bodies, which are
 10 owed in the aggregate, at least seventy-five percent of the revenues to be collected
 11 prior to contracting with the attorney. The sheriff or ex officio tax collector or chief
 12 administrative officer shall give advance notice to the tax recipient bodies prior to
 13 employing counsel and shall provide an estimate of anticipated expenses. The
 14 affected tax recipient bodies shall each contribute its pro rata or equitable share of
 15 the fees and expenses of the attorney. The sheriff or ex officio tax collector or
 16 director of finance for the city of New Orleans shall furnish an itemized expense
 17 voucher to all affected tax recipient bodies, which shall be due and payable upon
 18 receipt by the tax recipient body.

19 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Roy

HB No. 481

Abstract: Authorizes sheriffs and ex officio tax collectors to employ an agency to assist in the collection of delinquent ad valorem taxes and obligations and provides for the payment of such services on a fee basis.

Present law authorizes sheriffs and ex officio tax collectors to employ private counsel to assist in the collection of delinquent ad valorem taxes, penalties or interest, and any other payment which may be legally collected by a sheriff or tax collector.

Present law requires the sheriff or tax collector to enter into a contract with a private attorney for the collection of delinquent taxes and obligations which shall provide the hourly rate of payment for services which shall not exceed the attorney general's fee schedule.

Proposed law retains present law but adds the authority for sheriffs and ex officio tax collectors to employ an agency to assist in the collection of delinquent ad valorem taxes and obligations. Proposed law also makes the employment of an agency or attorney discretionary rather than mandatory.

Proposed law further provides that a sheriff or ex officio tax collector may pay a fee not to exceed 10% of the amount collected for such services. The fee amount shall be in addition to the amount of the fine, bond, tax, license fee, or other payment to be collected.

(Amends R.S. 33:1423.1(B) and (C))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Ways and Means to the original bill.

1. Changed from mandatory to discretionary, the authority for retention of an attorney or agency to assist in the collection of delinquent ad valorem taxes.